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Report of the Working Group on the Universal Periodic Review*

Brazil

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

1. The Brazilian State participated in the second cycle of the Universal Periodic Review in a transparent, constructive and inclusive manner, reiterating its unwavering support for the International Human Rights System. For Brazil, the effectiveness and credibility of the UPR depend, on the one hand, on the ability of States to present constructive recommendations that are appropriate to the reality of the country under review, and, on the other, on the commitment of States under review to the critical evaluation and, as appropriate, with the acceptance and implementation of the suggestions, based on the recognition that all countries, without exception, have challenges to overcome.

2. In accordance with this position, Brazil apprised all comments and the 170 recommendations received at its review on May 25. During the following months, a careful examination of the recommendations was undertaken. Appreciating the improvement of the situation of human rights domestically, and attaching high importance to the cooperation with the UPR, Brazil has made significant efforts of legal, political and institutional analysis of all above mentioned recommendations. Such task directly involved 15 Ministries¹. This broad discussion was essential to lay the foundation for a more effective implementation of the accepted recommendations, in partnership with the Legislative and the Judiciary branches, and with civil society.

3. This Addendum expresses the acceptance of nearly all recommendations as formulated (159 of a total of 170 recommendations), in the extent that Brazil shares the ideals therein and is committed to their implementation. A small number of recommendations, 10, whose content face institutional constraints, have enjoyed partial support; such position is explained in comments in the items below. Only one recommendation, which is inconsistent with constitutional and legal principles of the Brazilian legal system, could not enjoy the support of the Brazilian State. Also in this case, this Addendum contains the grounds of the non-support, clarifying the elements which justify the position adopted.

4. Finally, it should be mentioned that the Brazilian State received with great satisfaction the international recognition of the positive results achieved by recent public policies for the realization of human rights in the country. Nearly a third of the recommendations received used the expression "*to continue its efforts*", and two of them referred to "*sharing with other countries the good practices and progresses achieved*", especially with regard to poverty reduction and social inclusion.

General recommendations on human rights

5. The following recommendations enjoy the support of Brazil: **119.6, 119.25, 119.26, 119.27, 119.28, 119.31, 119.41, 119.42, 119.103 and 119.130.**

6. Brazil expresses partial support for **recommendation No. 119.127**. The Federal Constitution provides for the State protection of the family, which is the basis of society. Brazil has public policies aimed at protecting the family and ensuring the conditions for raising their children. However, Brazilian institutions recognize other family arrangements as also eligible for protection, such as women raising children alone.

¹ Secretariat of Human Rights of the Presidency of the Republic, Ministry of External Relations, Secretariat of Policies for Women of the Presidency of the Republic, Secretariat of Policies for Promotion of Racial Equality, General Secretariat of the Presidency of the Republic, Ministry of Social Development, Ministry of Agrarian Development, Ministry of Health, Ministry of Justice, Attorney-General of the Union, Ministry of Education, Ministry of Mines and Energy, Ministry of the Environment, Ministry of Sports, Ministry of Urban Development.

Development and social inclusion

7. All recommendations regarding the subject enjoy the support of Brazil: 119.29, 119.30, 119.32, 119.49, 119.106, 119.107, 119.119, 119.131, 119.132, 119.133, 119.134, 119.135, 119.136, 119.137, 119.139, 119.141, 119.142, 119.143, 119.144, 119.145, 119.150 and 119.154.

National human rights institution

8. All recommendations regarding the subject enjoy the support of Brazil: **119.16, 119.17, 119.18, 119.19, 119.20, 119.21, 119.22** and **119.23**.

International human rights instruments

9. The following recommendations enjoy the support of Brazil: **119.1, 119.2, 119.4, 119.5, 119.7** and **119.8**.

10. **Recommendation No. 119.3** enjoys the partial support of Brazil. The Brazilian State has ratified nearly all international human rights treaties. Regarding the Second Optional Protocol to the International Covenant on Civil and Political Rights, to which Brazil is a signatory, the reservation mentioned at the recommendation was fundamental to the consensus needed for the celebration of the instrument, and is provided for in its Article 2 (1).

11. Brazil expresses partial support for **recommendation No. 119.9**. The Brazilian State attaches great importance to the promotion and protection of such rights – as indicated by the strong emphasis on foreign policy actions for their promotion and their correlation with development. Nevertheless, the ratification of the Protocol shall be preceded by comprehensive discussions among the different bodies and national councils responsible for debating the formulation and monitoring of public policies affecting economic, social and cultural rights, since its ratification will generate obligations whose implications need be understood by all key State and non-State actors.

12. **Recommendation No. 119.10** enjoys the partial support of Brazil. Regarding ILO Convention No. 189, the Ministry of Labor created, in 2012, a Tripartite Commission on Domestic Work², which is responsible for examining the Convention and for issuing advisory opinions on its content and its referral to the Congress. On the same topic, it must be highlighted that the Proposed Constitutional Amendment No. 478 of 2010, which extends rights to domestic workers, is under consideration at the Congress. With regard to Convention No. 87, Brazil recognizes the right to freedom of professional or union association, according to Article 8 of the Federal Constitution, observing the principle of union unity, as provided for in item II of Article 8.

Human rights defenders

13. The following recommendations enjoy the support of Brazil: **119.80, 119.81, 119.82, 119.83, 119.84, 119.85, 119.86, 119.87, 119.88** and **119.89**.

14. Brazil partially supports **recommendation No. 119.79**. In 2004, the Federal Constitution was amended to allow the Attorney-General of the Republic (“Procurador-Geral da República”) to request the Supreme Federal Court, at any stage of the

² The Tripartite Commission on Domestic Work is composed of representatives of the General Secretariat of the Presidency, the Secretariat of Policies for Women, the Secretariat for Policies to Promote Racial Equality, the Ministry of Labour and Employment, the Ministry of Social Welfare, the Ministry of Foreign Relations, as well as employers’ confederations and workers’ union centrals.

investigation or judicial proceeding, the transfer of cases involving serious human rights violations to the jurisdiction of the Federal Justice (art. 109, paragraph 5 of the Federal Constitution).

Public security, justice and prison system

15. The following recommendations enjoy the support of Brazil: 119.11, 119.13, 119.14, 119.15, 119.59, 119.61, 119.63, 119.64, 119.65, 119.66, 119.67, 119.68, 119.69, 119.70, 119.71, 119.72, 119.73, 119.74, 119.75, 119.76, 119.77, 119.78, 119.110, 119.111, 119.112, 119.113, 119.114, 119.115, 119.116, 119.117, 119.118, 119.120, 119.121, 119.122 and 119.123.

16. Brazil partially supports recommendation No. 119.12. The Executive drafted a bill, currently under discussion at the Congress, which ensures the independence and autonomy of the members of the National Mechanism for the Prevention and Combat of Torture, in accordance with the Optional Protocol to the Convention against Torture, enacted into Brazilian law through Decree No. 6.085/07, on April 19, 2007.

17. Recommendation No. 60 cannot enjoy the support of Brazil, in light of the constitutional provision on the existence of civilian and military police forces. Civilian Police Forces are responsible for the tasks of judiciary police and for the investigation of criminal offenses, except military offenses. Military police forces are responsible for ostensible policing and for the preservation of public order (art. 144, paragraphs 5 and 6 of the Federal Constitution). It should be noted that Brazil has adopted measures to improve control over the actions of public safety professionals, in particular through ombudsmen and internal affairs offices, as well as through the permanent training of professionals in human rights and the encouragement of the differentiated use of force.

18. Brazil expresses partial support for recommendation No. 119.62. The government has violence-reduction policies aimed at the security of the population, such as "Brasil Mais Seguro" ("Safer Brazil") and "Crack, é possível vencer" ("It is possible to beat crack"). The extension to other federal states of any action, such as Pacifying Police Units, depends on the specifics of each location and on the acquiescence of each federal entity, due to the federal pact enshrined in the Federal Constitution. It must also be noted that the model of proximity policing, integrated in the program of Pacifying Police Units in the state of Rio de Janeiro, is encouraged by the Brazilian government in the other states of the federation, within the framework of the National Policy of Public Safety.

Promotion of equality

19. The following recommendations enjoy the support of Brazil: 119.34, 119.35, 119.36, 119.37, 119.38, 119.39, 119.40, 119.43, 119.44, 119.45, 119.46, 119.47, 119.48, 119.50, 119.51, 119.52, 119.53, 119.54, 119.55, 119.90, 119.91, 119.92, 119.93, 119.94, 119.95, 119.96, 119.97, 119.138, 119.140 and 119.162.

20. Brazil partially supports **recommendation No. 119.24**. The civil union of persons of the same sex is already legally recognized in Brazil, as a result of a decision of the Supreme Federal Court.

Rights of indigenous people

21. All recommendations on the subject enjoy the support of Brazil: **119.163, 119.164, 119.165, 119.166, 119.167, 119.168** and 119.169.

22. In what concerns **recommendation No. 119.167**, the Federal Constitution provides that indigenous communities shall be listened, and that the Congress shall issue an authorization for the use of water resources, research and mining of mineral resources in

indigenous lands. Moreover, the Convention 169 of the ILO, internalized in Brazil in 2004, provides for previous consultation of indigenous people. The Brazilian State, therefore, already acts accordingly with the recommendation.

Migrants, refugees and trafficking in persons

23. Brazil supports all recommendations regarding the issue: **119.98, 119.99, 119.100, 119.101, 119.102** and **119.170**.

Children and adolescents

24. Brazil supports all recommendations on the matter: **119.33, 119.104, 119.105, 119.108, 119.109, 119.128** and **119.129**.

Major works and major events

25. All recommendations relating on the subject enjoy the support of Brazil: **119.56, 119.57** and **119.58**.

Right to memory and the truth

26. All recommendations on the subject enjoy the support of Brazil: **No. 119.124, 119.125** and **119.126**.

Education, health, food security and the environment

27. The following recommendations enjoy the support of Brazil: **119.146, 119.147, 119.148, 119.151, 119.152, 119.153, 119.155, 119.157, 119.158, 119.159, 119.160** and **119.161**.

28. On **recommendation No. 119.149**, Brazil manifests its partial support. The Brazilian State provides access to health services in the cases of termination of pregnancy allowed by the legislation and by decision of the Supreme Court.

29. Brazil partially supports **recommendation No. 119.156**, based on the understanding that both the Federal Constitution and Federal Law number 9.394 of 2006 provide for religious education, with optional enrollment, at public schools of primary education, while ensuring respect for cultural and religious diversity and forbidding all forms of proselytism. Therefore, in compliance with the secular nature of the Brazilian State, religious education in Brazil does not constitute confessional or inter-confessional teaching of faith.